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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/773,861	02/06/2004	Linda Gottfried	0093-1 CIP	1921
25901	7590	11/14/2007		
ERNEST D. BUFF			EXAMINER	
ERNEST D. BUFF AND ASSOCIATES, LLC.			LUU, LE HIEN	
231 SOMERVILLE ROAD				
BEDMINSTER, NJ 07921				
			ART UNIT	PAPER NUMBER
			2141	
			MAIL DATE	DELIVERY MODE
			11/14/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/773,861

Applicant(s)

GOTTFRIED, LINDA

Examiner

Le H. Luu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02/06/04 - 12/05/05.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-133 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-133 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 February 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>05/26/04</u> . | 6) <input type="checkbox"/> Other: _____ |

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1. Claims 1-133 are presented for examination.
2. New corrected drawings are required in this application because submitted drawings are informal, illegible, poor quality for publication. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.
3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
 - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
4. Claims 1, 5-25, and 29-133 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over **Skarbo et al. (Skarbo)** patent no. **6,317,777**, in view of **Richards** Pub. No. **2001/0039519**.
5. As to claim 1, Skarbo teaches the invention substantially as claimed, including a networked interactive system for display of documents to a plurality of consumers, comprising:

a multimedia forum for enabling the consumers to communicate with each other and at least one sponsor (col. 5 lines 26-44); and

a multimedia interface for enabling the consumers to modify and view the documents (col. 5 lines 15-53);

wherein the documents and the multimedia interface are updated based upon the consumers' actions and communicated to the sponsor (col. 5 lines 15-53).

However, Skarbo does not explicitly teach the documents include product information.

Richards teaches a cooperative buying system provides product information and allows consumers to input and update pricing information on products (page 3, paragraphs [0056-0057]).

It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention to combine the teachings of Skarbo and Richards to allow consumers to view and modify product information because it would provide consumers with buying and purchase recommendation information.

6. As to claim 5, Richards teaches product information comprises images stored as vector graphics (page 7, paragraph [0092]).

7. As to claims 6 and 13, Skarbo teaches the consumer interacts with the system via a Web browser, and chat feature (col. 2 lines 41-50).

8. As to claim 7, Skarbo teaches active server page (col. 2 lines 41-50).

9. As to claim 8, Richards teaches multimedia interface is customized by a system administrator to reflect each consumer's interests (page 4, paragraph [0072]).

10. As to claim 9, Richards teaches database server, product information server, and client workstation (figure 1):

11. As to claim 10, Skarbo teaches client workstation comprises Active X control, a Java Applet, or a Shockwave Movie (col. 2 lines 41-50).

12. As to claims 11-12 and 14-17 Richards teaches editing the product information using graphics tools, add multimedia product information, interests of a group of consumers, history of the modifications, (pages 3-4, paragraphs [0064-067] and [0070]).

13. As to claim 18, Skarbo inherently teaches an administrator can set up user account with certain privileges as claimed (col. 5 lines 7-25, col. 9 lines 6-21).

14. As to claims 19-21, Richards teaches consumer interactions, consumer profile, production information, consumer responses, and ratings are stored in a database (server databases 140, 145, 150, 155, 160, 165, 170, figure 1).

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15. As to claim 22, Richards teaches sponsor can configure the multimedia interface and generate reports based on information stored in the database server (page 5, paragraph [0085]).

16. As to claim 23, Richards teaches client workstation is a personalized digital assistant (PDA) (mobile computer 130, figure 1).

17. As to claim 24, Skarbo and Richards teach the invention substantially as discussed above; however, they do not explicitly teach the client workstation is a kiosk. Official Notice is taken that kiosk is well known. It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention to combine the well-known teaching with the teachings of Skarbo and Richards to provide a client workstation at a kiosk because it would provide easy access to users from many convenient locations.

18. Claims 2-4 and 26-28 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over **Skarbo et al. (Skarbo)** patent no. **6,317,777**, in view of **Richards** Pub. No. **2001/0039519**, and further in view of **Sharo**, Pub No. **2002/0161764**.

19. As to claims 2-4, Skarbo and Richards teach the invention substantially as discussed above; however, they do not explicitly teach focus group.

Sharo teaches a Marketing Business System that uses focus groups to clarify an issue (page 8, paragraph [0154]).

It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention to combine the teachings of Skarbo, Richards, and Sharo to let consumers communicate via a focus group because it would improve business intelligence.

In addition, Skarbo teaches real time question and answer sessions led by a moderator (page 8, paragraph [0151]).

20. Limitations of claims 25-133 that have similar limitations as claims 1-24 are rejected under the same rationale. In addition, Skarbo and Richards teach and suggest all the well-known features of the claimed invention.

21. The non-statutory double patenting rejection, whether of the obviousness-type or non-obviousness-type, is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985) *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

22. A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a non-statutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

23. Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

24. Claims 1-133 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-50 of U.S. Patent No. 6,691,155. Although the conflicting claims are not identical, they are not patentably distinct from each other because claim 1 of Patent No. 6,691,155 contains every element of claim 1 of the instant application and thus anticipate the claim of the instant application. At least one claim of the instant application is unpatentable over obvious-type double patenting. A later application claim is not patentably distinct from an earlier claim if the later claim is anticipated by the earlier claim.

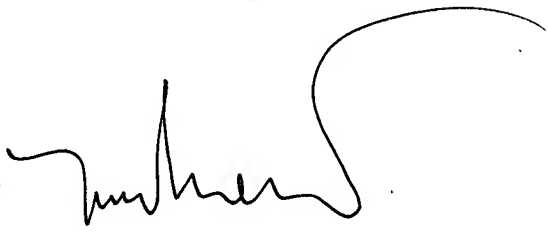
25. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Le H. Luu whose telephone number is 571-272-3884. The examiner can normally be reached on 7:00am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on 571-272-3880. The fax phone number for

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the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



LE HIEN LUU
PRIMARY EXAMINER